IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5913 of 2005

Between:

1 Gunji Narayana, S/o.Narasimham,
R/o.Vital Nagar, Purala, Chirala Mandal, Prakasam District.
2 Tanneeru Soubhagyamma, W/o.Venkateswarlu,
R/o.Vital Nagar, Purala, Chirala Mandal, Prakasam District.

..... PETITIONERS

AND

1 The District Collector, Prakasam District, Ongole.
2 The Revenue Divisional officer, Ongole, Prakasam District.
3 The Mandal Revenue officer, Chirala,

Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of Mandamus to declare the action of the respondents in trying to dispossess the petitioners from lands in sy.No.223/4 sy.Nos.868/17 to an extent of Acc.1.76 cents and Ac.0.63 cents respectively of Thotavaripalem village is as arbitrary, illegal and contrary to law and violation of principles of natural justice and to issue consequential direction to the respondents not to dispossess the petitioners from lands in sy.NO.223/4 and sy.No.868/17 to an extent of Ac.1.76 cents and Ac.0.63 cents respectively of Thotavaripalem village without following the due process of law and to pass such other order or orders which are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.A.RAJENDRA BABU

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioners claim to be the owners and purchasers to an extent of Ac.1.76 cents and Ac.0.63 cents of land situated in Survey No.223/4 and 868/17 of Thotavaripalem village having purchased the same under a registered sale deed from one Siram Mohana Krishna. It is stated that the petitioners have been in possession and enjoyment of the said land from the date of purchase and they have raised Casuarina plantation in a part of the said land by spending huge amounts. It is alleged that at the instance of some of the villagers, who are inimically disposed of against the petitioners, the Respondents-Revenue officials have been taking steps to convert the land in question into house pattas. It is also alleged that the respondents have visited their site and have been taking steps to dispossess the petitioners high-handedly. Hence, this writ petition seeking a declaration that the action of the respondents is arbitrary and illegal.

Heard the learned Counsel for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

The specific case of the petitioners is that they have purchased the land in question under a Registered Sale Deed. Even assuming that the land is a Government land, since admittedly the petitioners are in possession of the same, they cannot be dispossessed without following the due process of law.

In the circumstances, without expressing any opinion as to the ownership claimed by the petitioners in respect of the land in question, the writ petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioners in respect of the land in question without following the due process of law. No costs.

25.03.2005

MRKR

To

1 The District Collector, Prakasam District, Ongole.
2 The Revenue Divisional officer, Ongole, Prakasam District.
3 The Mandal Revenue officer, Chirala, District

Prakasam District.

4 Two C.Cs to the Government Pleader for Revenue, High Court Buildings, Hyderabad.

5 Two C.D.copies.

*Form-NIC-OGS/WP{**JA**}*